



STATE OF WASHINGTON
DEPARTMENT OF LABOR & INDUSTRIES
SEATTLE SERVICE LOCATION

315 5TH AVE. SO. SUITE 200

SEATTLE, WA. 98104-2607

PHONE # (206) 515-2800

FAX # (206) 515-2879

FAX TRANSMITTAL COVER SHEET

DATE: 5 July 2007	TOTAL # OF PAGES: 12
TO: John Jacke	FROM: Kathryn Brown
FAX #: 206-447-0299	↓
TELEPHONE #: 425-351-1467	206-515-2875
RE: Citation & Notice	
MESSAGE Please review and fill out the "Employer Certification of Hazards Corrected" - last page of packet. Call me if you have questions.	



STATE OF WASHINGTON
DEPARTMENT OF LABOR AND INDUSTRIES

PO Box 44000 • Olympia, Washington 98504-4000

06/06/2007

BETHAN CONSTRUCTION LLC
1046 1st Ave S
Seattle, WA 98134

Inspection Number: 310950563
UBI: 602306468
CSHO ID: C9753
Region: 2
Program: H
Reference Number: 202505913

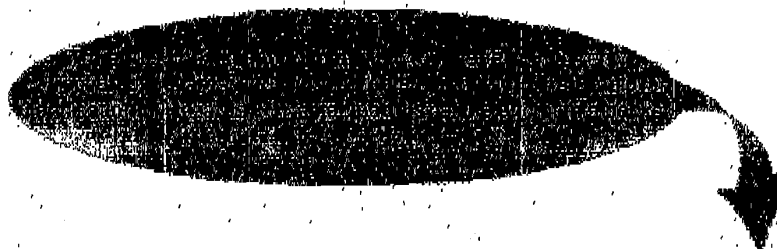
Dear Employer:

We have enclosed the results of our recent safety and health inspection of your workplace, located at the address on your enclosed citation.

This packet contains:

1. **Employer Instructions**
2. **Division of Occupational Safety and Health (DOSH) Citation Invoice**
A summary of penalties.
3. **Citation and Notice of Assessment**
A description of each violation, penalty and correction due date.
4. **Appeal Rights**
5. **Requesting an Extension**
6. **How to Report Your Corrections to L&I**
7. **Employer Certification of Hazards Corrected**
You must complete and return this document after you have made your corrections.

(continued next page)





Inspection Number: 310950563

OSHA publishes OSHA citation information on the Internet at www.osha.gov, since this information is available under provisions of the Federal Freedom of Information Act. It is posted 30 days after the date a citation is issued.

You are encouraged to carefully review the entire citation. If you have questions, call the compliance supervisor in your region at 206-515-2870.

Stephen M. Cant, CIH
Assistant Director
Division of Occupational Safety & Health

Enclosure(s)

Occupational Safety and Health | Citation Packet



Inspection Number: 310950563

Employer Instructions

We have found hazards in your workplace that put your workers at risk.

What you must do now:

1. Post this notice in your workplace.

You must immediately post this Citation and Notice of Assessment at or near where the violation(s) occurred, where employees can easily find and read it, or where employees normally receive posted information. All postings must remain until you have corrected all violations, or for three working* days, whichever is longer (RCW 49.17.120).

2. Correct the hazards

You must make your corrections by the dates shown on the enclosed Citation and Notice of Assessment unless corrected at the time of the inspection or under appeal.

3. Complete and return the enclosed Employer Certification of Hazards Corrected

Do this when you have completed your corrections. A separate Employer Certification of Hazards Corrected is enclosed for each correction due date. We must receive this form within 10 calendar days of the correction due date. You must post a copy of the completed certification document for at least three working* days after it is returned to the department.

4. Pay the assessed penalties within 15 working* days of the date you receive this citation.

Interest of 1% per month will be charged on past due accounts per RCW 43.17.240. If the citation is appealed, interest will not accrue until a final order has been issued. Instructions for mailing your payment are on the enclosed invoice.

* The term "working day" means a calendar day, except Saturdays, Sundays and all legal state holidays. (See working days in WAC 296-800-370.)

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Occupational Safety and Health | Citation Packet

**Division of Occupational Safety and Health Citation
Invoice**

Inspection Number: 310950563

Opening Conference Date: 03/29/2007

Closing Conference Date: 05/17/2007

Issuance Date: 06/06/2007

UBI: 602306468

Legal Name: ETHAN CONSTRUCTION LLC

Name of Business Inspected: ETHAN CONSTRUCTION LLC

Inspection Site: 3100 Airport Way S, Seattle, WA, 98134

Summary of Assessed Penalties

(See attached documents for full description of each citation)

Violation 1, Item 1	Type of Violation: Serious	\$1,500.00
Violation 2, Item 1	Type of Violation: General	\$250.00
Violation 2, Item 2	Type of Violation: General	\$0.00
Total assessed penalties.....		\$1,750.00

PAYMENT INFORMATION

Payment is due 15 working days from receipt of this citation.

Make check payable to the Department of Labor and Industries.

Write the Inspection number on the check and mail in the self-addressed envelope enclosed.

Attn: DOSH Cashier
Department of Labor and Industries
PO Box 44835
Olympia, WA 98504-4835
Or deliver to: Any L&I office

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Occupational Safety and Health | Citation Packet

Citation and Notice of Assessment**Inspection Number:** 310950563**CSHO ID:** C9753**Opening Conference Date:** 03/29/2007**Closing Conference Date:** 05/17/2007**Issuance Date:** 06/06/2007**UBI:** 602306468**Legal Name:** ETHAN CONSTRUCTION LLC**Name of Business Inspected:** ETHAN CONSTRUCTION LLC**Inspection Site:** 3100 Airport Way S, Seattle, WA, 98134**Violation 1, Item 1,Type of Violation: Serious**

Washington Administrative Code (WAC) violated: 296-62-07706(5)

The general contractor, Ethan Construction, did not appropriately exercise general supervisory authority over work covered by WAC 296-62-077 asbestos regulations in the following instances:

- 1) On or around January 4 2007, Ethan Construction directed work to be performed in an area known to have asbestos-containing thermal-system-insulation (TSI). A subcontractor employee was instructed to drill holes through a concrete chase wall that contained pipe wrapped in TSI. Because Ethan Construction knew of the presence TSI based on good faith surveys, previous DOSH inspections, and previous asbestos abatement activity at the inspection site, Ethan did not control the asbestos hazard for the subcontractor performing the drilling task.
- 2) Ethan Construction did not ensure all subcontractors working near or around asbestos containing materials had asbestos awareness training prior to working at the inspection site.

Inspection site: Rainier Commons/old Rainier Brewery, 3100 Airport Way South, Seattle, 98134.

Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.

Assessed penalty (See attached invoice): **\$1,500.00**

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Occupational Safety and Health | Citation Packet**Inspection Number: 310950563****Violation 2, Item 1,Type of Violation: General**

Washington Administrative Code (WAC) violated: 296-62-07721(2)(b)(iii)

The facility owner's agent, Ethan Construction, did not provide, to all contractors submitting a bid to undertake any construction, renovation, remodeling, maintenance, repair, or demolition project, the written statement either of the reasonable certainty of non-disturbance of asbestos or of the assumption of the presence of asbestos. The contractor, Dakota Concrete Cutting, was not provided the written report before they applied or bid on concrete drilling/cutting work at Rainier Commons. Concrete drilling activities required employees to contact or work near asbestos-containing thermal system insulation.

Inspection site: Rainier Commons/old Rainier Brewery, 3100 Airport Way South, Seattle, 98134.

Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.

Assessed penalty (See attached invoice): **\$250.00**

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Occupational Safety and Health | Citation Packet



Inspection Number: 310950563

Violation 2, Item 2,Type of Violation: General

Washington Administrative Code (WAC) violated: 296-155-110(9)(b)

The employer did not document weekly walk-around safety inspections during the Rainier Commons renovation project.

Inspection site: Rainier Commons/old Rainier Brewery, 3100 Airport Way South, Seattle, 98134.

You must correct this hazard by 06/24/2007.

Assessed penalty (See attached invoice): \$0.00

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Occupational Safety and Health | Citation Packet



Inspection Number: 310950563

Your Right to Appeal**For Employers**

If you are cited for a violation of Occupational Safety and/or Health rules, you have the right to appeal the citation. **You have 15 working days from the date you receive this citation to appeal.** Your appeal must be in writing. It may be mailed, faxed, or personally delivered.

Your appeal must include:

- Name, address, telephone number, and fax number if available of the employer who is appealing, and for the employer's representative, if any, such as an attorney or interpreter.
- Inspection Number (You will find this nine-digit number on your citation.)
- Statement explaining:
 1. What you think is wrong with the citation and any related facts.
 2. How you think the citation should be changed.
 3. What relief you are seeking and why.

Note: Employees and/or employee representatives may elect to participate in appeal hearings.

Posting requirement:

You must post your appeal documents (along with this citation packet) until the appeal is resolved. You must also post all other documents related to this appeal.

For Employees or Their Representatives

If your employer is cited, you may only appeal the correction due date(s).

Your appeal must include:

- Your name, address, telephone number, and fax number if available and the same information for anyone who is representing you, if any.
- Inspection Number
- Statement explaining why you think the correction due date should be changed.

Send all appeals to:

Assistant Director for DOSH
 Attn: Appeals Unit
 PO Box 44604
 Olympia, WA 98504-4604
 Fax to: 360-902-5581 or deliver to: Any L&I office

For more information call the appeals unit: 360-902-5486.

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Occupational Safety and Health | Extension**Inspection Number: 310950563****Requesting an Extension****If you are unable to fix the hazard(s) by the correction date(s):**

We must receive your request for an extension **before** the correction date(s) listed for the hazard(s). Correction dates are shown on the enclosed Citation and Notice of Assessment.

Extensions are not automatically granted. To be considered for an extension, you must:

1. Describe how you have made a good-faith effort to correct the hazards cited.
2. Describe what circumstances are beyond your control that prevent you from meeting the correction dates.

To request an extension, you must give us the following information:

1. The name of the employer applying for the extension
2. Address of the inspected workplace
3. Inspection number
4. Correction date on the citation
5. Steps you have taken so far to fix the hazard by the correction date
6. Factors that have prevented you from fixing the hazard on time
7. How much additional time you need
8. How you will protect your employees until you fix the hazard

- Send your extension request to:

**Regional Compliance Supervisor
Division of Occupational Safet
315 5th Ave S
Suite 200
Seattle, WA 98104**

- Or call:
206-515-2870

Occupational Safety and Health | Corrections**Inspection Number: 310950563****How to Report Your Corrections to L&I****What you must do now:**

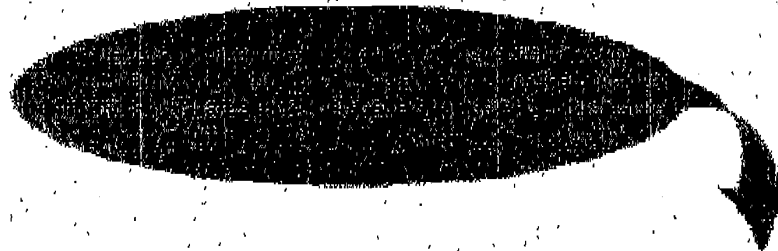
- Check the correction date(s) shown on the enclosed form, Employer Certification of Hazards Corrected. You must correct the hazards by these dates. (Separate certification forms are provided for each correction due date.)
- As you make your corrections, describe on the form how you corrected each instance of each hazard. (Use attachments if you need more space.)
- Write in the actual date you fully corrected the hazard.
- Send the completed form by the correction due date(s) to:

KATHRYN BROWN
315 5th Ave S, Suite 200
Seattle, WA 98104
FAX: 206-515-2879

- Post a copy of the completed Employer Certification of Hazards Corrected for at least three working days. It must be posted near where the violations occurred or in a location that is readily accessible by affected employees and their representatives.

Your legal requirements: If you do not return the completed, signed Employer Certification of Hazards Corrected, we will take follow-up action. If you fail to correct the violations listed in this citation, you may be subject to additional penalties. If you provide us with false information, you may face criminal penalties.

Note: If any of the violations in this citation are labeled "willful" or "repeat" look for the inspector's additional instructions on the Citation and Notice of Assessment. You will be asked to provide specific documentation (such as photographs or repair invoices) that you corrected the hazard. You may be asked to provide additional documentation for certain high gravity serious violations.



Occupational Safety and Health | Certification

Inspection Number: 310950563
Program H
CSHO ID: C9753
Employer Legal Name: ETHAN CONSTRUCTION LLC
Employer DBA Name: ETHAN CONSTRUCTION LLC
Employer Address: 1046 1st Ave S, Seattle, WA, 98134
Site Address: 3100 Airport Way S, Seattle, WA, 98134
UBI: 602306468
Employer Phone Number: --
Site Phone Number: --

Employer Certification of Hazards Corrected

Attention! You must complete this form and return it to:

KATHRYN BROWN, 315 5th Ave S, Suite 200, Seattle, WA 98104

Or Fax to: **206-515-2879** or deliver to: **Your nearest L&I office**

Violation #	Item & Group #	Type of Violation	WAC# Violated	Correction Due Date
2	2	General	296-155-110(9)(b)	06/24/2007
What you did to correct hazard →				
Date you fully corrected hazard →				

I certify that the hazards described in this Employer Certification of Hazards Corrected have been corrected as described above. Affected employees and their representatives have been informed of the correction activities. I am aware that knowingly providing false information may result in criminal penalties (RCW 49.17.190(2)).

Signature _____ Name _____

Title _____ Date _____ Phone No. _____

DOSH USE ONLY

DOSH Reviewer's Signature _____ Date _____